

RECEIVED
CENTRAL FAX CENTER

001/003

OCT 06 2008

WILMERHALE 

FACSIMILE

Date October 6, 2008+1 617 526 6852 (I)
+1 617 526 5000 (F)
henry.gu@wilmertale.com

To U.S. Patent & Trademark OfficeFax 1-571-273-8300
Tel

cc

From Henry H. Gu

Pages 3 (including cover)

Re U.S. Patent Application No. 10/553,139
**COMPOSITIONS CONTAINING PIPERACILLIN AND TAZOBACTAM USEFUL FOR
INJECTION**
Our Reference: 36119.232US3 / AM101272

Wilmer Cutler Pickering Hale and Dorr LLP, 60 State Street, Boston, Massachusetts 02109
Beijing Berlin Boston Brussels London Los Angeles New York Oxford Palo Alto Waltham Washington

This facsimile transmission is confidential and may be privileged. If you are not the intended recipient, please immediately call the sender or, if the sender is not available, call +1 617 526 5413 and destroy all copies of this transmission. If the transmission is incomplete or illegible, please call the sender or, if the sender is not available, call +1 617 526 5413. Thank you.

OCT 06 2008

Docket No: AM101272
Application No: 10/553,139
PatentIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cohen et al.
 Application No.: 10/553,139 Examiner: Karol,Jody Lynn
 Filed: October 14, 2005 Art Unit: 1617
 For: COMPOSITIONS CONTAINING PIPERICILLIN AND TAZOBACTAM
 USEFUL FOR INJECTION
 Confirmation No.: 1771
 Customer Number: 25291

Mail Stop Amendment
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

I, William T. King, represent that I am an agent of record and am empowered to act on behalf of Wyeth. Wyeth is the assignee of record, Recordation of Assignment Reel Number 013981, Frame 0057, of the entire right, title, and interest in and to the invention in the subject application. Wyeth is also the assignee of record of U.S. Patent No. 6,900,184 B2, Recordation of Assignment Reel Number 013981, Frame 0057.

On behalf of Wyeth, I hereby disclaim, except as otherwise provided herein, the terminal part of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term, including statutory extensions thereof of U.S. Patent No. 6,900,184 B2 for Compositions Containing Pipericillin and Tazobactam Useful for Injection, except to the extent that the term of this application Application No. 10/553,139 might be extended pursuant to the Drug Price Competition and Patent Term Restoration Act of 1984 (35 USC §156) or any other applicable act of Congress, and hereby agree that any patent so granted on the subject application shall be enforceable only for and during such period that it is valid, patentable, and the same as the legal title to U.S. Patent No. 6,900,184 B2, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors or assigns.

Wyeth, does not disclaim any terminal part of any patent granted on the subject application prior to the expiration date of the full statutory term of U.S. Patent No. 6,900,184 B2 in the event that such patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); has all claims cancelled by a reexamination certificate; is reissued; or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

10/07/2008 VBUI11 00000005 011425 10553139
 01 FC:1814 140.00 DA

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER

Docket No: AM101272
Application No. 10/553,139
Patent

OCT 06 2008

Pursuant to 37 CFR 3.73(b), I have reviewed all the recordation information above or all documents in the chain of title of the subject patent application and, to the best of my knowledge and belief, title is in the assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Petitioner hereby authorizes payment of the requisite One Hundred and Thirty Dollars (\$130.00) fee for this Terminal Disclaimer pursuant to 37 CFR 1.27(d) by charging Deposit Account No. 01-1425.

Date:

2 October 2008

William T. King
Assistant Secretary, Wyeth
Rea. No. 30.954

Wyeth
Patent Law Department
Five Giraffe Farms
Madison, NJ 07940
Tel. No. (484) 865-8613